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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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084828,417 03/28/97 MIRASAKI

H P9702-MG

QM32/0705
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EXAMINER

HOTALING, J

ART UNIT

PAPER NUMBER

3713

DATE MAILED:

07/05/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

08/828,417

Applicant(s)

Mirasaki et al.

Examiner

J Hotelling II

Group Art Unit

3713

☒ Responsive to communication(s) filed on Apr 10, 2000

☒ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claim

☒ Claim(s) 23-38 is/are pending in the application.
Of the above, claim(s) _____ is/are withdrawn from consideration

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 23-38 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☒ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☐ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

— SEE OFFICE ACTION ON THE FOLLOWING PAGES —

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DETAILED ACTION

Claim Objections

1. Claims 23, 34, and 36 objected to because of the following informalities: "...phrases may be generated uon....". For examination purposes 'uon' will be interpreted as 'upon'. Appropriate correction is required.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 23-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Murata et al. '743 (hereinafter Murata '743) in view of Lowe et al '401, Best '073, Best '152 and Cookson et al '950. The rejection contained in the previous office actions are maintained and incorporated herein. The object of the primary reference, Murata '743, is to provide a sophisticated play-by-play announcement in response to each scene or operation of the game, realistically and without hindering the game development as disclosed in column 1 lines 40-60. This is accomplished by having a storage portion operable to store data for each of a plurality of vocal sound groups, each vocal sound group is associated with a game scene. The controller designates data of a vocal

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sound group suitable to the produced new scene which make it possible to generate vocal sounds suitable for game developments, which consequently provides an improved realistic atmosphere. Murata '743 provides an example of his system using a baseball game as outlined in columns 3 and 4. In this example a baseball game contains four scenes; a batting scene, a fielding scene, a changing-over scene, and a game set scene. Each of these scenes is associated with a group of vocal sounds and these vocal sounds can be placed together in any manner that accurately provides a play-by-play commentary with respect to the play of the game. Murata '743 gives as an example for the batting scene a combination of the vocal sounds associated with that scene; "STRIKE, BATTER OUT, THREE MEN OUT". Murata '743 also give similar examples for the remainder of the example scenes. The previous rejections went into detail about data structure and the like and as such will not be repeated. The art benefits from the Best patents in that automatic or player selected switching from database to database will result in a games that will have multiple story plots and will not be predictable. One skilled in the art would understand the teachings of Lowe et al. '401 because of the use of speech, commentary, or an alternate sound associated with a game machine. One skilled in the art would understand the teachings of Best and Cookson because database manipulation, storage and retrieval is well known in the art. It is obvious to one of ordinary skill in the art that this method of providing a play by play commentary as taught by Murata '743 by associating groups of vocal sounds with a game scene could provide endless combinations of vocal sound groups by increasing the number of scenes and the number of vocal sound groups associated with each scene. In addition it would be obvious to combine

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the above references in order to have a commentary on a video game that is variable and can be of a different language in order to market a product in multiple countries and in order to provide a break in the commentary so that it can be replaced with an alternate sound associated with the game machine or just to mute the commentary.

Remarks

3. The objections and 35 U.S.C. 112 rejections of the second office action have been overcome to the satisfaction of the examiner.

Response to Arguments

4. Applicant's arguments filed 8/26/99 have been fully considered but they are not persuasive. The object of the primary reference, Murata '743, is to provide a sophisticated play-by-play announcement in response to each scene or operation of the game, realistically and without hindering the game development as disclosed in column 1 lines 40-60. This is accomplished by having a storage portion operable to store data for each of a plurality of vocal sound groups, each vocal sound group is associated with a game scene. The controller designates data of a vocal sound group suitable to the produced new scene which make it possible to generate vocal sounds suitable for game developments, which consequently provides an improved realistic atmosphere.

The applicants argument that no two or three announcements are substantially synonymous and relate to the same game event. Murata discloses that each of these scenes is associated with a group of vocal sounds and these vocal sounds can be placed together in any manner that accurately provides a play-by-play commentary with respect to the play of the game.

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In addition expressing a slightly different nuance with the output is the same thing as outputting substantially synonymous vocal output. Moreover, Murata states that it may be preferable to prepare a plurality of groups of vocal sounds having the same word but different intonations which could be selected according to a circumstance. Murata '743 also makes it easy to insert a player's name into the vocal output data. In addition, Murata only describes examples of his invention not the whole of all of the possible combinations of outputs based on the play of the game.

5. This is a CPA of applicant's Application No. 08/828417. All claims are drawn to the same invention claimed in the earlier application and could have been finally rejected on the grounds and art of record in the next Office action if they had been entered in the earlier application. Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action in this case. See MPEP § 706.07(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no, however,

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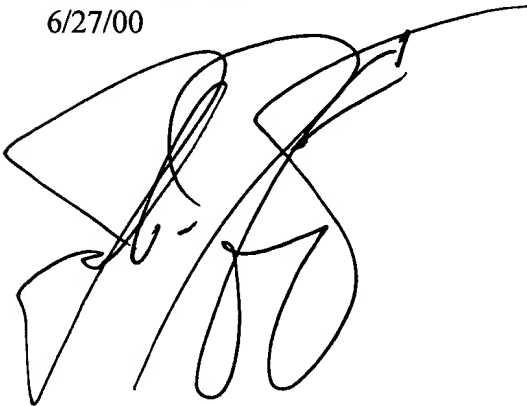
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event will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to J. Hotaling II whose telephone number is (703) 305-0780. The examiner can normally be reached Monday- Friday from 7:30 am - 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor can be reached at (703) 308-4119.

John M. Hotaling II
Patent Examiner
6/27/00

A handwritten signature in black ink, appearing to be 'J. Hotaling II', written over a large, stylized, and somewhat abstract scribble.

VALENCIA MARTIN-WALLACE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700